

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001

03 MDL 1570 (GBD)(SN)

This document relates to:

Jessica DeRubbio, et al. v. Islamic Republic of Iran, No. 1:18-cv-05306 (GBD) (SN)

Horace Morris, et al. v. Islamic Republic of Iran, No. 1:18-cv-05321 (GBD) (SN)

Audrey Ades, et al. v. Islamic Republic of Iran, No. 1:18-cv-07306 (GBD) (SN)

Chang Don Kim, et al. v. Islamic Republic of Iran, No. 1:18-cv-11870 (GBD) (SN)

Alexander Jimenez, et al. v. Islamic Republic of Iran, No. 1:18-cv-11875 (GBD) (SN)

Cheryl Rivelli, et al. v. Islamic Republic of Iran, No. 1:18-cv-11878 (GBD) (SN)

Gordon Aamoth, Sr., et al. v. Islamic Republic of Iran, No. 1:18-cv-12276 (GBD) (SN)

Marinella Hemenway, et al. v. Islamic Republic of Iran, No. 1:18-cv-12277 (GBD) (SN)

August Bernaerts, et al. v. Islamic Republic of Iran, No. 1:19-cv-11865 (GBD) (SN)

Ber Barry Aron, et al. v. Islamic Republic of Iran, No. 1:20-cv-09376 (GBD) (SN)

Jeanmarie Hargrave, et al. v. Islamic Republic of Iran, No. 1:20-cv-09387 (GBD) (SN)

Paul Asaro, et al. v. Islamic Republic of Iran, No. 1:20-cv-10460 (GBD) (SN)

Michael Bianco, et al. v. Islamic Republic of Iran, No. 1:20-cv-10902 (GBD) (SN)

Nicole Amato, et al. v. Islamic Republic of Iran, No. 1:21-cv-10239 (GBD) (SN)

Susan M. King, et al. v. Islamic Republic of Iran, No. 1:22-cv-05193 (GBD) (SN)

[PROPOSED] ORDER OF PARTIAL FINAL JUDGMENTS IN THE ABOVE-CAPTIONED MATTERS FOR LIABILITY FOR KING PLAINTIFFS AND FOR DAMAGES ON BEHALF OF THE PLAINTIFFS IDENTIFIED IN EXHIBITS A, EXHIBITS B, AND EXHIBIT G

Upon consideration of the evidence and arguments submitted by Plaintiffs identified in Exhibits A-1 to A-7 (collectively, “Exhibits A”), Exhibits B-1 to B-12 (collectively, “Exhibits B”), and Exhibit G (the plaintiffs in Exhibit G are the “Personal Injury Plaintiffs”) to this Order through their Motion for Partial Final Judgment against the Defendant Islamic Republic of Iran (“Iran”), as to liability for all Plaintiffs named in *Susan M. King, et al. v. Islamic Republic of Iran*, No. 1:22-cv-05193 (GBD) (SN), and as to damages for certain Plaintiffs in the above-captioned matters who are each a spouse, parent, child, or sibling (or the estate of a spouse, parent, child, or sibling) of a victim killed in the terrorist attacks on September 11, 2001, as specifically identified in attached Exhibits A, or who are each an estate of an individual who was

killed in the terrorist attacks on September 11, 2001, as specifically identified in the attached Exhibits B, or who are each an individual injured in the terrorist attacks on September 11, 2001, as specifically identified in the attached Exhibit G, and the judgment by default for liability against Iran entered as follows:

CASE NAME	CASE NO.	DATE MOTION FOR LIABILITY WAS GRANTED	ECF NO. OF MOTION FOR LIABILITY THAT WAS GRANTED
<i>Jessica DeRubbio, et al. v. Islamic Republic of Iran</i>	No. 1:18-cv-05306 (GBD) (SN)	05/28/2019	ECF No. 4563
<i>Horace Morris, et al. v. Islamic Republic of Iran</i>	No. 1:18-cv-05321 (GBD) (SN)	06/21/2019	ECF No. 4595
<i>Audrey Ades, et al. v. Islamic Republic of Iran</i>	No. 1:18-cv-07306 (GBD) (SN)	06/21/2019	ECF No. 4594
<i>Chang Don Kim, et al. v. Islamic Republic of Iran</i>	No. 1:18-cv-11870 (GBD) (SN)	09/03/2019	ECF No. 5049
<i>Alexander Jimenez, et al. v. Islamic Republic of Iran</i>	No. 1:18-cv-11875 (GBD) (SN)	09/03/2019	ECF No. 5056
<i>Cheryl Rivelli, et al. v. Islamic Republic of Iran</i>	No. 1:18-cv-11878 (GBD) (SN)	09/03/2019	ECF No. 5047
<i>Gordon Aamoth, Sr., et al. v. Islamic Republic of Iran</i>	No. 1:18-cv-12276 (GBD) (SN)	09/03/2019	ECF No. 5050
<i>Marinella Hemenway, et al. v. Islamic Republic of Iran</i>	No. 1:18-cv-12277 (GBD) (SN)	09/03/2019	ECF No. 5054
<i>August Bernaerts, et al. v. Islamic Republic of Iran</i>	No. 1:19-cv-11865 (GBD) (SN)	01/04/2022	ECF No. 7522
<i>Ber Barry Aron, et al. v. Islamic Republic of Iran</i>	No. 1:20-cv-09376 (GBD) (SN)	01/04/2022	ECF No. 7522
<i>Jeanmarie Hargrave, et al. v. Islamic Republic of Iran</i>	No. 1:20-cv-09387 (GBD) (SN)	01/04/2022	ECF No. 7522

<i>Paul Asaro, et al. v. Islamic Republic of Iran</i>	No. 1:20-cv-10460 (GBD) (SN)	01/04/2022	ECF No. 7522
<i>Michael Bianco, et al. v. Islamic Republic of Iran</i>	No. 1:20-cv-10902 (GBD) (SN)	01/04/2022	ECF No. 7522
<i>Nicole Amato, et al. v. Islamic Republic of Iran</i>	No. 1:21-cv-10239 (GBD) (SN)	04/03/2023	ECF No. 8978

; together with the entire record in this case, it is hereby:

ORDERED that service of process was properly effected upon Iran in accordance with 28 U.S.C. § 1608(a) for sovereign defendants and 28 U.S.C. § 1608(b) for agencies and instrumentalities of sovereign defendants;¹ and it is further

ORDERED that the motion for judgment by default against Iran on behalf of the Plaintiffs in the above-captioned matters is **GRANTED** and judgments as to liability are entered in favor of all plaintiffs against Iran in the following cases:

CASE NAME	CASE NUMBER
<i>Susan M. King, et al. v. Islamic Republic of Iran</i>	No. 1:22-cv-05193 (GBD) (SN)

; and it is further

ORDERED that partial final judgment is entered against Iran on behalf of those Plaintiffs in the above-captioned matters who are identified in the attached Exhibits A who are each a spouse, parent, child or sibling (or the estate of a spouse, parent, child, or sibling), or the functional equivalent thereof, of individuals killed in the terrorist attacks on September 11, 2001, as indicated in Exhibits A; and it is further

¹ This only applies for the plaintiffs in this motion in the above-referenced 2018 matters, and for all plaintiffs in *Susan M. King, et al. v. Islamic Republic of Iran*, No. 1:22-cv-05193 (GBD) (SN).

ORDERED that Plaintiffs identified in Exhibits A are awarded solatium damages of \$12,500,000 per spouse, \$8,500,000 per parent, \$8,500,000 per child, and \$4,250,000 per sibling, as set forth in Exhibits A; and it is further

ORDERED that partial final judgment is entered against Iran on behalf of the Plaintiffs in the above-captioned matters, as identified in the attached Exhibits B, who are each the estate of a victim of the terrorist attacks on September 11, 2001, as indicated in the attached Exhibits B; and it is further

ORDERED that Plaintiffs identified in the attached Exhibits B are awarded compensatory damages for decedents' pain and suffering in an amount of \$2,000,000 per estate, as set forth in the attached Exhibits B; and it is further

ORDERED that partial final judgment is entered against Iran on behalf of the personal injury plaintiffs in the above-captioned matter who are identified in the attached Exhibit G who are each an individual injured in the terrorist attacks on September 11, 2001, as indicated in Exhibit G; and it is further

ORDERED that the Personal Injury Plaintiffs identified in Exhibit G are awarded a compensatory damages judgment against Iran for pain and suffering commensurate with the injuries sustained during the September 11, 2001 terrorist attacks, in accordance with prior precedent in the U.S. District Court for the District of Columbia in similar cases (and factoring in an upward departure on damages values based on the indelible impact of the September 11, 2001 terrorist attacks), as set forth in Exhibit G; and it is further

ORDERED that Plaintiffs identified in the expert reports submitted in support of the Declaration of Jerry S. Goldman, Esq. ("Goldman Declaration") (and identified in Exhibits B and Exhibit G), are awarded economic damages as set forth in the attached Exhibits B and

Exhibit G and as supported by the expert reports and analyses tendered in conjunction with the Goldman Declaration; and it is further

ORDERED that Plaintiffs identified in Exhibits A, Exhibits B, and Exhibit G are awarded prejudgment interest of 4.96 percent per annum, compounded annually, running from September 11, 2001 until the date of judgment; and it is further

ORDERED that Plaintiffs identified in Exhibits A, Exhibits B, and Exhibit G may submit an application for punitive damages, economic damages, or other damages (to the extent such awards have not previously been ordered) at a later date consistent with any future rulings made by this Court on this issue; and it is further

ORDERED that the remaining Plaintiffs in the above-captioned matters not appearing in Exhibits A, Exhibits B, and Exhibit G may submit in later stages applications for damages awards, and to the extent such plaintiffs are similarly situated to those appearing in Exhibits A, Exhibits B, and Exhibit G, the applications will be approved consistent with those approved herein for the Plaintiffs appearing in Exhibits A, Exhibits B, and Exhibit G.

Furthermore, the Court respectfully directs the Clerk of the Court to terminate the motion at ECF No. 9097 and ECF No. 9147.

SO ORDERED:

GEORGE B. DANIELS
United States District Judge

Dated: New York, New York
_____, 2023